

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

DELBERT G. GRANT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. CIV-05-1066-L
	)	
DENNIS CALLAHAN, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the court for review of the Report and Recommendation entered by the Honorable Doyle W. Argo on February 28, 2006, in which he recommended that this action be dismissed without prejudice due to plaintiff's failure to prosecute or to inform the court of his current address. The docket sheet reflects that the copy of the Report and Recommendation sent to plaintiff was returned as undeliverable. Local Civil Rule 5.5 provides that parties must notify the court of any change of address and that "[p]apers sent by the Court will be deemed delivered if sent to the last know address given to the Court." LCvR 5.5(a). Pursuant to that rule and given the fact that plaintiff has not informed the court of his new address, the February 28, 2006 Report and Recommendation Order is deemed to have been delivered to plaintiff.

The court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed. Having conducted a *de novo*

review of this matter, the court finds that the Report and Recommendation should be adopted in its entirety. This action is therefore dismissed **without prejudice**. Judgment will issue accordingly.

It is so ordered this 24th day of March, 2006.

  
\_\_\_\_\_  
TIM LEONARD  
United States District Judge